

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**ROBERT WHITE, on behalf of
himself and a class of those
similarly situated,**
Plaintiff

v.

PATRIOT ERECTORS LLC,
Defendant

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Case No. 1:20-CV-00884-SH

ORDER

Before the Court is Plaintiff's Accounting of Reasonable Fees and Expenses, filed December 19, 2022. Dkt. 65.

On December 7, 2022, the Court found that defense counsel Andrea M. Johnson failed to obey a scheduling order by her nonappearance at trial, and that her noncompliance was not substantially justified. Dkt. 62 (sealed). The Court ordered Plaintiff to submit an accounting of his reasonable fees and expenses arising from Ms. Johnson's failure to appear pursuant to Federal Rule of Civil Procedure 16(f)(2). *Id.*

In his Accounting, Plaintiff requests travel expenses and lost wages for November 7, 2022, the date trial was set to begin. Plaintiff states that he missed one eight-hour workday to attend the trial. Plaintiff calculates that he lost \$480.76 in wages based on his compensation rate of \$60.96 per hour. Plaintiff further states that he drove 460 miles to attend trial. Plaintiff calculates his mileage expense by the federal reimbursement rate for mileage for 2022—62.5 cents per mile—totaling \$287.50.

Ms. Johnson has not objected to the expenses requested by Plaintiff. The Court finds that the expenses Plaintiff requests are reasonable.

Accordingly, the Court **ORDERS** Ms. Johnson to pay Plaintiff, by and through his counsel, Kell Ascher Simon, reasonable expenses in the amount of \$768.26.

SIGNED on January 4, 2023.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE